BEFORE THE FEDERAL COMMUNICATION COMMISSION
WASHINGTON, DC 20554

October 29, 2004

In the Matter of Review of the Emergency Alert System

EB Docket No. 04-296
Notice of Proposed Rulemaking
Adopted August 8, 2004 **Released: August 12, 2004**

SWN Communications, Inc. Comments on the FCC Review of the Emergency Alert System

SWN Communications, Inc. (SWN) is pleased to offer these comments in response to the Federal Communications Commission's Notice of Proposed Rulemaking on the Emergency Alert System (EAS) (EB Docket No. 04-296, adopted August 4, 2004).

SWN was created by a team of communications industry leaders in response to the communications challenges faced on 9/11 for continuity of operations, recall and interoperability—in an environment of degraded infrastructure. In the event of an emergency, we wanted to reach thousands of people in seconds, on any type of device, inform them of what happened, allow central controllers to know they had been found, and then link them together by conference call into decision groups. We built Send Word Now—in commercial operation since 2003—as a remotely hosted, non-degradable, ultra high speed, extreme-high-volume communication and response system to meet these goals.

SWN is a founding member of the Partnership for Public Warning (PPW), and we strongly support the PPW's call to develop a national warning capability that will "get the right information to the right people at the right time, regardless of their location, the time of day or night, and any special needs." Currently, warning systems in the U.S. are a patchwork, using different technologies, different types of warning messages, and different procedures and processes for warning. Many of these systems are not interoperable. As a result, individuals at risk may not receive timely, understandable and actionable information, while others who are not at risk may become needlessly alarmed.

Clearly, the current Emergency Alert System (EAS), which relies almost exclusively on delivery through analog radio and television broadcasts and cable systems, is outdated. In neither takes advantage of current commercially available technologies, nor is well-equipped to respond to the public's need for information. The current EAS system can be dramatically improved and made more efficient.

In addition, the concept of use of EAS only for Presidential messages is outdated. Not only has the EAS never been used for a Presidential message, but given the nature of today's threats, local or regional emergencies continue to be much more likely. Because of the potential severity of the emergency—for example in the case of a WMD event—states and cities should be able to engage the system. Mechanisms to determine which public officials should have that authority, and to ensure that only authorized officials can initiate alerts is essential.

A national strategy for integrated public warning capability is urgently needed to develop uniform terminology for equipment and nomenclature of command and control. The national system also needs to be highly redundant and reliable, available around the clock, and to allow for multiple distribution channels using many technologies. Clear and consistent messages that are easily understood by the public should be developed in English, Spanish, and in some regions, additional languages, and support for persons with disabilities is required.

Creating a national warning capability begins with upgrades and improvements to the current EAS. However, that should be the starting point, rather than the ending point. A national warning capability must include all other currently existing technologies and services capable of delivering alerts and warnings. The EAS, and supporting regulations and policy, also need to recognize that technology will continue to advance at a rapid pace, and be flexible enough to support improved warning capabilities as new technologies emerge.

The Common Alerting Protocol developed by the PPW—and now adopted by many public and private organizations responsible for alerts, including the National Weather Service, the U.S. Geological Survey, the California Office of Emergency Services, and numerous private firms—is a vitally important step in the right direction. Widespread adoption of CAP offers the most practical means of quickly creating an effective interface between the emergency manager and multiple emergency alert and notification systems to significantly improve national alert and warning capability.

Overall, the challenges of creating a national warning capability are not technological. Information can be transmitted to thousands—or hundreds of thousands—of people almost instantaneously on many types of common devices. Send Word Now can switch together, seamlessly, any of the known standards of digital communications and reach people on all of their common devices. The challenge is no longer how to switch them together. The challenge is now, what do they say to one another? And who is in charge? Work must be done to plan and prepare the nation for these types of emergency communications, including what is communicated, how it is communicated, to whom it is communicated, at what time and in what order. The solution requires standards, policies and procedures, and an educated public.

For a city or region-wide evacuation, the existing multi-billion dollar cellular infrastructure developed over the last twenty years can play a very powerful role. Rather than acting as overloaded chat line where most conversations are some version of "Oh my! Did you just see that!" the cellular system likely has the capacity to provide 100,000-200,000 simultaneous discrete and location-specific sets of instructions to citizens who are in harm's way. The Federal government needs to explore ways—such as making a policy change in Federal cellular licenses—to make the nation's cellular networks a part of the Federal emergency broadcast system.

Our firm, in conjunction with leadership from two national labs and a leading institute on public health and evacuation procedures, as well as a number of other organizations, have begun to outline how cell towers could be "slaved and reversed" so they could push to all cell phones they can "see" the correct information on evacuation, shelter-in-place, or lock down options. For example, unlike radio or television signals that are broadcast, but we do not know who is watching them, each cell tower "knows" what cell phones are in range. The cell phones and the towers are constantly in contact, so if a call is initiated they can quickly pass that information. In the event of a poison gas cloud being released, our current system could tell each of the towers to stop taking incoming and outgoing calls, and instead tell every phone the tower can "see", where the cloud of gas is, and the correct way to protect the person holding that cell.

While the technology to do this exists today, the policy and regulatory environment that would encourage and allow it does not. Only the leadership of the Federal government can create the policy and support network to allow this to occur. We believe that changes to FCC regulations—and possibly legislation—will be required to ensure that Americans at risk can be provided accurate information in real time by any and all means of communication on any device.

For example, to slave and reverse cell towers, and instruct them to make warning calls to the people within range, would require changes to current regulations, as well as carrier licenses to make those cellular networks and towers part of the emergency broadcast network during an emergency. In addition, we believe the FCC needs to clarify which regulations govern multi-modal communications, in which a single communication is delivered through multiple methods, such as line or cellular communications, broadcast, optical transmission or other method of transmission. It is currently unclear whether multi-modal emergency (alert and warning) communications are governed by emergency broadcast rules, or by the rules governing each individual method of transmission.

Finally, in its comments to the FCC, dated October 25, 2004, PPW noted that the set of issues posed by the FCC is complex, that there is no single path to creating a more effective public warning capability, and that the normal FCC rule-making process does not lend itself to fully considering and debating all of the questions that need to be addressed. SWN strongly supports PPW's recommendation that the FCC should host a public meeting (or series of meetings) with interested stakeholders to ensure that all have an opportunity to express their views, and that all regulatory options are carefully reviewed and fully considered.

About Send Word Now

Send Word Now is an outsourced, subscription-based notification service that manages high-volume, high-speed, two-way and multi-point communication in time-critical situations. This notification service dramatically simplifies, centralizes and accelerates any call up or alert system becoming a vastly powerful and customizable "calling tree" attached to an a near real time "where is my team?" list-builder and conference call bridge system.

Send Word Now is a web-based service that is licensed to its customers and enables them to rapidly address their notification needs 24 hours a day, 365 days a year, without the need to obtain any software, hardware, or additional phone lines or devices. Send Word Now can work with any digital device. Customers are able to monitor responses via their web browser or PDA and verify delivery of messages with tracking reports that provide time stamps, responses, and details on successful distributions. SWN also compile a list of unreachable recipients.

Customers provide Send Word Now with a contact data, and then work with Send Word Now to organize this data into pre-defined messaging groups for any planned scenario. The Send Word Now service operates out of its double redundant geographically dispersed infrastructure, and customer support services are provided remotely 24/7 across all devices.

Send Word Now was built in response to lessons learned from communications success and failures on 9/11 and has been commercially available for only 12 months. Send Word Now was the only Disaster Communication service to provide 100% of service during the 2003 summer blackout.

Dozens of Fortune 500 companies have moved or are moving their disaster communication systems onto Send Word Now. SWN's customers include: Wal-Mart, Bank of NY, UBS, SwissRe, Aon and Tiffany's Jewelers. After a period of development in 2002 and early 2003, the Send Word Now system is now supporting critical groups in several government agencies, including HHS, SEC and The Federal Reserve. The United States Postal Service, after working with SWN for a full year to complete nationwide response systems to biological, bomb and system threats, is now using the system to alert and manage over 28,000 employees.

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